

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

IN RE: ALFUZOSIN HYDROCHLORIDE
PATENT LITIGATION

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) MDL No. 08-md-1941 (GMS)
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STIPULATION AND ORDER RE JUDGMENT

1. WHEREAS, Plaintiffs sanofi-aventis and sanofi-aventis U.S. LLC (collectively, "sanofi-aventis") filed an action for patent infringement in this Court against Teva Pharmaceuticals USA, Inc. ("Teva") regarding Teva's Abbreviated New Drug Application No. 79-056 ("ANDA 79-056") as filed June 12, 2007 and the proposed generic product defined therein, *sanofi-aventis v. Actavis South Atlantic LLC, . . . Teva Pharmaceuticals USA, Inc., et al.*, Civil Action No. 07-572 (D. Del.) (the "Teva Action"), which action was consolidated for pretrial proceedings with other related suits by the Judicial Panel of Multidistrict Litigation, *In re Alfuzosin Hydrochloride Patent Litigation*, MDL No. 08-md-1941 (D. Del.) (the "MDL Action").

2. WHEREAS, in the Teva Action, sanofi-aventis alleged that Teva's submission of ANDA 79-056 to the U.S. Food and Drug Administration and the § 505(j)(2)(A)(vii)(IV) allegations contained therein constituted infringement of U.S. Patent No. 4,661,491 ("the '491 patent") and U.S. Patent No. 6,149,940 ("the '940 Patent") in its Complaint, filed September 21, 2007.

3. WHEREAS, pursuant to a Stipulation and Order entered on October 14, 2009 (D.I. 127), sanofi-aventis's claims and Teva's counterclaims with respect to the '940 patent were dismissed with prejudice, the Teva Action was stayed with respect to the '491 patent, and the parties agreed that if a judgment in favor of sanofi-aventis was entered against any Defendant in the MDL Action, that stay would be lifted and such a judgment would also be entered against Teva.

4. WHEREAS, on August 3, 2010, the Court entered a judgment in favor of sanofi-aventis and against Mylan Pharmaceuticals, Inc. in the MDL Action (D.I. 176).

5. WHEREAS, on November 10, 2010, the Court entered a corrected consent judgment in favor of sanofi-aventis and against Torrent Pharma, Inc. and Torrent Pharmaceuticals Ltd. in the MDL Action (D.I. 185).

6. WHEREAS, on December 14, 2010, sanofi-aventis moved for entry of judgment against Teva (D.I. 187), and the Court has not ruled on that motion.

7. WHEREAS, sanofi-aventis and Teva now are in agreement that a judgment in the form attached should be entered against Teva.

IT IS HEREBY STIPULATED, subject to the approval of the Court, that:

1. that the stay of the Teva Action is lifted and a judgment in the form attached shall be entered, and

2. that sanofi-aventis' motion for entry of judgment against Teva is withdrawn.

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SO ORDERED this 7th day of July, 2011.



CHIEF, UNITED STATES DISTRICT JUDGE